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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/742,621	12/21/2000	Carolynn Rae Johnson	PU000179	7826

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EXAMINER

SHELEHEDA, JAMES R

ART UNIT	PAPER NUMBER
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2614

DATE MAILED: 07/07/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/742,621

Applicant(s)

JOHNSON, CAROLYNN RAE

Examiner

James Sheleheda

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 May 2004.
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 1-20 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 5.
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Response to Arguments

1. Applicant's arguments with respect to claims 1-20 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-5, 7-12 and 14-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wehmeyer et al. (Wehmeyer) (5,867,226), in view of Arai et al. (Arai) (US2002/0073425).

As to claim 1, Wehmeyer discloses a method of processing program guide information (column 3, lines 16-25), comprising the steps of:

recording viewing statistics (column 2, lines 33-40 and Fig. 2) based on topics (column 2, lines 41-50);

entering user processing request information (column 3, lines 16-25);

processing program guide information (Fig. 5, step 520; column 3, lines 16-25, column 4, lines 63-67 and column 5, lines 1-6) based on entered user processing request information (wherein the search is performed upon a user's

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request; column 3, lines 16-25) and the viewing statistics (wherein the search is based upon the viewed item list; column 3, lines 21-25 and Fig. 5, step 520).

While Wehmeyer discloses displaying the processed result (column 3, lines 21-25 and Fig. 5, steps 530 and 535), matching the topics in the recorded viewing statistics (wherein the result is based upon stored list; column 3, lines 21-25 and Fig. 5, step 520), he fails to specifically disclose displaying the result in a dedicated channel.

In an analogous art, Arai discloses a receiving apparatus (Fig. 1) which will process an EPG to find a viewer's preferred programming (paragraph 106) and then display the information in a customized channel (Fig. 4, My Channel; paragraph 109) for the benefit of allowing a viewer to find and watch preferred programming without the need to repeatedly change channels (paragraph 116).

It would have been obvious to one of ordinary skill in the art at the time of invention by applicant to modify Wehmeyer's system to include displaying the result in a dedicated channel, as taught by Arai, for the benefit of eliminating the need for a viewer to repeatedly changed channels while utilizing an EPG to find and watch programming.

As to claim 8, Wehmeyer discloses a system for processing program guide information (column 3, lines 16-25), comprising:

a **user controller** (Fig. 4; remote 450R and column 2, lines 21-24) for entering user processing request information (column 3, lines 16-25);

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a **microprocessor** (Fig. 4, micro 415R) for **recording** viewing statistics (column 2, lines 33-40 and Fig. 2) based on topics (column 2, lines 41-50) and for **processing** (column 4, lines 17-19 and lines 53-62) program guide information (Fig. 5, step 520; column 3, lines 16-25, column 4, lines 63-67 and column 5, lines 1-6) based on entered user processing request information (wherein the search is performed upon a user's request; column 3, lines 16-25) and the viewing statistics (wherein the search is based upon the viewed item list; column 3, lines 21-25 and Fig. 5, step 520).

While Wehmeyer discloses wherein said microprocessor causes the displaying of the processed result (Fig. 5, column 4, lines 63-67 and column 5, lines 1-6), matching the topics in the recorded viewing statistics (wherein the result is based upon stored list; column 3, lines 21-25 and Fig. 5, step 520), he fails to specifically disclose displaying the result in a dedicated channel.

In an analogous art, Arai discloses a receiving apparatus (Fig. 1) which will process an EPG to find a viewer's preferred programming (paragraph 106) and then display the information in a customized channel (Fig. 4, My Channel; paragraph 109) for the benefit of allowing a viewer to find and watch preferred programming without the need to repeatedly change channels (paragraph 116).

It would have been obvious to one of ordinary skill in the art at the time of invention by applicant to modify Wehmeyers's system to include displaying the result in a dedicated channel, as taught by Arai, for the benefit of eliminating the need for a viewer to repeatedly changed channels while utilizing an EPG to find and watch programming.

As to claims 2 and 9, Wehmeyer and Arai disclose wherein the step of displaying processed result in a dedicated channel further comprising the step of first arranging the processed result into respective time slots (See Arai at Figures 3 and 4; paragraphs 109 and 111; wherein only one program is selected for a given time period).

As to claims 3 and 10, Wehmeyer and Arai disclose the step of displaying in the dedicated channel only one program in a respective time slot from the processed result (See Arai at Figure 4).

As to claims 4 and 11, Wehmeyer and Arai disclose wherein if one program in the respective time slot is highlighted (see Arai at column 2, lines 21-24), other programs in that time slot will be then displayed (see Arai at Figure 1; wherein other programs in the timeslot are clearly displayed when Zulu is highlighted).

As to claim 5, Wehmeyer and Arai disclose wherein the step of entering user processing request information comprises selecting a request for suggesting a program (see Wehmeyer at Fig. 6a and column 3, lines 16-25 and column 5, lines 11-15).

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As to claims 7 and 14, Wehmeyer and Arai disclose wherein the dedicated channel is displayed along with other channels in a program guide (see Arai and Figs. 4 and 6).

As to claim 12, Wehmeyer and Arai disclose wherein the entering user processing request information comprises a request for suggesting a program (see Wehmeyer at Fig. 6a and column 3, lines 16-25 and column 5, lines 11-15).

As to claims 15 and 18, Wehmeyer and Arai disclose wherein the statistic of a topic is the number of times the topic has been viewed (see Wehmeyer at Fig. 2 and column 2, lines 41-47).

As to claims 16 and 19, Wehmeyer and Arai disclose wherein the statistic of a topic is the number of times the topic has been viewed (see Wehmeyer at Fig. 2 and column 2, lines 41-47) more than a predetermined time period (wherein the program must be watched for 5 or more minutes; see Wehmeyer at column 2, lines 33-40).

As to claims 17 and 20, Wehmeyer and Arai disclose wherein the dedicated channel is always displayed at a predefined position in the program guide (wherein the displayed dedicated channel must be at some predefined position; see Arai at Fig. 4).

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4. Claims 6 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wehmeyer and Arai as applied to claims 1 and 8 above, and further in view of Schein et al. (Schein) (6,133,909).

As to claims 6 and 13, while Wehmeyer and Arai disclose entering user processing request information (see Wehmeyer at Fig. 6a and column 3, lines 16-25 and column 5, lines 11-15), they fail to specifically disclose wherein the user request comprises selecting a search of program guide information based on user-entered text.

In an analogous art, Schein discloses a computer system (Fig. 1) for recommending programming (column 2, lines 18-23) wherein an EPG is searched based upon words or characters entered by a user (column 13, lines 21-48) for the benefit of allowing a user to search a program guide using any type of information relevant to a particular program (column 13, lines 10-20).

It would have been obvious to one of ordinary skill in the art at the time of invention by applicant to modify Killian and Arai's system to include wherein the user request comprises selecting a search of program guide information based on user-entered text, as taught by Schein, for the benefit of allowing a user to search a program guide for preferred programming using any type of information relevant to a particular program.

Conclusion

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL.**

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See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

6. The following are suggested formats for either a Certificate of Mailing or Certificate of Transmission under 37 CFR 1.8(a). The certification may be included with all correspondence concerning this application or proceeding to establish a date of mailing or transmission under 37 CFR 1.8(a). Proper use of this procedure will result in such communication being considered as timely if the established date is within the required period for reply. The Certificate should be signed by the individual actually depositing or transmitting the correspondence or by an individual who, upon information and belief, expects the correspondence to be mailed or transmitted in the normal course of business by another no later than the date indicated.

Certificate of Mailing

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to:

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

on _____.
(Date)

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Typed or printed name of person signing this certificate:

Signature: _____

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Please refer to 37 CFR 1.6(d) and 1.8(a)(2) for filing limitations concerning facsimile transmissions and mailing, respectively.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to James Sheleheda whose telephone number is (703) 305-8722. The examiner can normally be reached on 8:00-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the primary examiner, Chris Grant can be reached on (703) 305-4755. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

James Sheleheda
Patent Examiner
Art Unit 2614

JS



CHRIS GRANT
PRIMARY EXAMINER